



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,939	06/24/2003	William K. Rediehs	34059-3	1826

7590 09/20/2004

Woodard, Emhardt, Moriarty, McNett & Henry LLP  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, IN 46204-5137

EXAMINER

GUTMAN, HILARY L

ART UNIT PAPER NUMBER

3612

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/602,939

**Applicant(s)**

REDIEHS, WILLIAM K.

**Examiner**

Hilary Gutman

**Art Unit**

3612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 18-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/24/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 18-24 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 9/3/04.

2. Applicant's election of Group A in the reply filed on 9/3/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4, 6, 8, 10-12, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams in view of Felburn.

Abrams (2,810,602) discloses a vehicular trailer 10 for transporting cylindrical objects 12 comprising: a front deck portion 13 and a rear deck portion 14; a middle deck portion 17 disposed between and at a distance below the front deck portion and the rear deck portion; a first transitional wall portion 22 disposed at an angle between and connecting the front and middle

Art Unit: 3612

deck portions; and a second transitional wall portion 39 disposed at an angle between and connecting the rear and middle deck portions.

For claim 11, Abrams discloses a vehicular trailer 10 for transporting cylindrical objects 12 comprising: a front deck portion 13 and rear deck portion 14; a middle deck portion 17 disposed between and at a distance below the front and rear deck portions; a first transitional wall portion 22 disposed at an angle between and connecting the front and middle deck portions; and a second transitional wall portion 39 disposed at an angle between and connecting the rear and middle deck portions.

With regard to claims 2 and 12, the first transitional wall portion is apparently disposed at an angle between 40-55 degrees (at about 45 degrees) between the front and middle deck portions and the second transitional wall portion is disposed at an angle between 40-55 degrees (at about 45 degrees) between the rear and middle deck portions.

With regard to claims 10 and 17, the front, rear and middle deck portions are substantially parallel.

Abrams lacks front and rear coil chocks mounted to the transitional walls.

Felburn teaches a coil chock 44 mounted to a first wall portion and movable between a first position and a second position; and another coil chock 44 mounted to a second wall portion and movable between a first position and a second position. The first coil chock is hingably mounted to the first wall portion and is movable between a first and second position. The second coil chock is hingably mounted to the second wall portion and is movable between a first and second position. The coil chocks both includes a cushioned portion.

Art Unit: 3612

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided movable coil chocks as taught by Felburn upon the transitional walls of Abrams in order to better position and secure different sized cylindrical objects between the walls.

Abrams, as modified, and with regard to claims 8 and 15, discloses the at least one front coil chock contacting the first transitional wall portion when in the first position and the at least one rear coil chock contacting the second transitional wall portion when in the first position.

5. Claims 5, 7, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams, as modified, as applied to claims 4, 6, and 12 above and further in view of Good.

Abrams, as modified, lacks the first and second transitional wall portions being covered with a protective material and further lacks the cushioned portion of the coil chocks being made of hard rubber.

Good teaches applying hard rubber 26, 28, and 30 upon a cylindrical holding device or skid. The hard rubber provides both physical and chemical protection to prevent damage and corrosion of the coiled product transported on the skid.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have protective hard rubber material as taught by Good upon the wall portions and coil chocks of Abrams, as modified, in order to prevent damage from occurring between the trailer and the transported cylindrical load.

Art Unit: 3612

6. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams, as modified, as applied to claims 1 and 11 above and further in view of Mimica.

Abrams, as modified, lacks the trailer further comprising a strap retractably engaged with a strap tightening apparatus which is mounted to the middle deck portion.

Mimica teaches a strap 140 retractably engaged with a strap tightening apparatus 142 mounted upon a trailer deck portion for tying down a cylindrical load.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a strap and strap tightening apparatus as taught by Mimica in order to better secure the cylindrical loads to the trailer.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

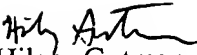
**or faxed to:**

(703) 872-9326, (for formal communications intended for entry)

**or:**

(703) 746-3515, (for informal or draft communications, please clearly label

“PROPOSED” or “DRAFT”).

  
Hilary Gutman  
September 13, 2004